

**HHS SURVEY OF STATES ON THE PARTICIPATION OF FOSTER CHILDREN
IN CLINICAL DRUG TRIALS**

State	State's policy on enrolling foster children in clinical trials	States that specifically do not allow foster children in clinical trials	Policy on independent advocates (IAs)	Foster children currently participating in clinical trials
Alabama	Foster Care Policy on Medications would cover.	Not applicable.	This is not addressed in Policy.	None.
Alaska	State has no policy.	Not applicable.	Not applicable	Not applicable
Arizona	It would require court order for non-routine medical procedures and/or treatment	Not applicable.	Guardian Ad Litem would serve as IA.	None at this time – not a common practice currently or historically.
Colorado	State follows Federal NIH guidelines	Not applicable.	State follows Federal guidelines.	State didn't answer question.
Florida	Department of Health Institutional Review Board policy would cover.	Not applicable.	Have IAs for all research involving wards, regardless of risk level.	None at this time.
Georgia	State has no policy on this. On rare occasions that it has occurred, State defers to parents, medical experts, Guardian Ad Litem and the court for decision making.	Not applicable	Not applicable.	State didn't answer question.
Hawaii	State does not allow children in foster care to participate.	Hawaii does not allow.	Not applicable	Not applicable
Illinois	State has policy allowing enrollment of children for whom State has legal guardianship.	Not applicable	State follows Federal regulations; requires IA if more than minimal risk.	31 children currently in various studies; however answer did not make clear how

State	State's policy on enrolling foster children in clinical trials	States that specifically do not allow foster children in clinical trials	Policy on independent advocates (IAs)	Foster children currently participating in clinical trials
				many were foster children.
Kansas	State currently has no policy, but are amending Policy and Procedure Manual to prohibit.	Kansas will not allow when change in Manual is completed.	Not applicable.	Not applicable.
Kentucky	State does not allow children in foster care to participate.	Kentucky does not allow.	Not applicable.	Not applicable.
Louisiana	Yes, State allows.	Not applicable.	No IAs are required.	None currently participating.
Maryland	1992 policy allows foster children to participate in clinical trials.	Not applicable.	No IAs are required.	No answer from the State.
Michigan	All medical treatment outside of routine treatment must be approved by either the parent for temporary wards or the Michigan Children's Institute Superintendent for State wards.	Foster children are allowed to be enrolled in clinical trials with the permission of the biological parent(s), or legal parents (e.g., adoptive parent(s)), but not the foster parent.	State has no policy on IAs.	None currently participating.
Minnesota	State does not have a specific policy about the enrollment of foster children in clinical trials.	Not applicable.	No answer.	None currently participating.
Missouri	State has no specific policy, but would consider it to fall under general research request policy (no known request in the past 10 years).	Not applicable.	State did not answer this question.	None currently participating.

State	State's policy on enrolling foster children in clinical trials	States that specifically do not allow foster children in clinical trials	Policy on independent advocates (IAs)	Foster children currently participating in clinical trials
Nevada	State has no policy related to this.	Not applicable.	Not applicable.	None currently participating.
New Hampshire	State has no policy related to this.	Not applicable.	Not applicable.	None.
New Jersey	State has no policy related to this.	Not applicable.	Not applicable.	State didn't answer.
New Mexico	State has no policy related to this.	Foster child wouldn't be allowed unless there was a specific reason related to the child's treatment needs.	No requirement for IA; however, Guardian Ad Litem could fill that role.	None currently participating.
New York	State follows Federal NIH guidelines.	Not applicable.	State didn't answer.	State didn't answer.
North Carolina	State has no specific policy related to clinical trials. In practice, participation in a research protocol could fall under policy for medical or surgical care or treatment in the child's best interests.	Not applicable.	State didn't answer.	State didn't answer.
North Dakota	State has no policy related to this.	Not applicable.	Not Applicable.	State didn't answer.
Ohio	They are allowed. Ohio Administrative Code section 5101:2-5-13, addresses the issue.	Not applicable.	Not addressed in the rule.	State reported that this information is not available.
Oklahoma	Experimental medical procedures are not authorized.	Oklahoma does not allow.	Not applicable.	Not applicable.

State	State's policy on enrolling foster children in clinical trials	States that specifically do not allow foster children in clinical trials	Policy on independent advocates (IAs)	Foster children currently participating in clinical trials
Pennsylvania	State has no policy related to this	Not applicable.	Not applicable.	State reported that this information is unknown.
Rhode Island	State has a policy dating from 1990 related to the testing of an investigational HIV drug.	Not applicable.	No requirement for IA.	Did have clinical trials, not sure about current numbers.
South Carolina	State has no policy related to this.	Not applicable.	Not applicable.	Not applicable.
South Dakota	State does not allow children in foster care to participate.	South Dakota does not allow.	Not applicable.	Not applicable.
Tennessee	State has policy regarding research proposals for children/youth/families.	Juveniles are specifically prohibited.	Not applicable.	Not applicable.
Texas	State has no general policy. Foster children infected with HIV may participate in clinical trial, with approval of child's attending physician and conservatorship unit's program director.	Not applicable.	None specific to clinical trials, but all foster children have Guardian Ad Litem/Court Appointed Special Advocates.	No children currently in HIV clinical trials; one on a waiting list for a trial for Hepatitis C.
Utah	State has both Division and Department written policy. Foster children are allowed in only Phase I (investigational new drugs) studies that do not involve placebos.	Not applicable.	Guardian Ad Litem serves as IA with all research, regardless of risk.	None currently participating.
Washington	State allows with approval	Not applicable.	State follows Federal	None currently

State	State's policy on enrolling foster children in clinical trials	States that specifically do not allow foster children in clinical trials	Policy on independent advocates (IAs)	Foster children currently participating in clinical trials
	on a case-by-case basis, under State Agency Policy on Protection of Human Subjects.		regulations; adds IA on case-by-case basis for less than minimal risk.	participating.
West Virginia	State has no general policy. Any request for participation in a clinical trial would be made at the State level for children whose parental rights have been terminated.	Not applicable.	Not applicable.	State did not answer question.
Wisconsin	State has no specific written policy. If personal physician made recommendation and person with legal authority to consent agreed, foster children could participate, so long as children from general population were also included.	Not applicable.	State would require an advocate, except when personal physician made recommendation and person with legal authority to consent agreed.	None currently participating.

###